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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,995	09/18/2006	Nicholas Simon Myers	5035-258US/P32,455USA	3031
20802 7590 12/07/2007 SYNNESTVEDT LECHNER & WOODBRIDGE LLP P O BOX 592 112 NASSAU STREET PRINCETON, NJ 08542-0592			EXAMINER VO, TRUONG V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,995

Applicant(s)

MYERS, NICHOLAS SIMON

Examiner

Truong V. Vo

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to application 10/598995 filed on September 18, 2006 in which claims 1 to 26 are presented for examination.

Status of Claims

2. Claims 1 to 26 are pending, of which claim 1 is in independent form. Claims 1-14, 17-21 and 23-26 are rejected under 35 U.S.C. 102 (e). Claims 15-16 and 22 are rejected under 35 U.S.C. 103 (a).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14, 17-21 and 23-26 rejected under 35 U.S.C. 102 (e) as being anticipated by Aksu et al. (US 2003/0144895 A1).

6. In considering claim 1, Aksu teaches "a method of simplifying the technical infrastructure deployed in a system for processing questions (40) sent from a mobile telephone (2) over a wireless bearer (i.e., see FIG. 3A and FIG. 1).

Aksu teaches receiving a question sent from the mobile telephone (i.e., a customer 2 uses a wireless phone to send a question in the form of a short messaging service (SMS); [0027]).

Aksu teaches handling that question by sending it out for review by one or more human researchers (Expert) to compose an answer (i.e., the PPA server 6 processes the message from the customer 2 using information stored in a PPA database 8 to determine what experts 4 may be interested in responding to the question; [0027]).

Aksu teaches sending the answer in plain text to the mobile telephone (i.e., after processing the message, the PPA server 6 sends the customer's question in the form of an SMS message to one or more of the experts 4; [0027]).

Aksu teaches the question is not restricted to any category of question types, is expressed in natural language and is sent using a premium rate text service (i.e., the experts 4 also provide a charge rate, such as the amount charged per call or per minute. The question is a "free format" question because the question will be sent to the experts 4 exactly as written by the customer 2. The SMS message contains additional information, such as the customer's name and a unique identification number, for recognition and billing purposes. An example of a question may be the following: "How do I install MS-Word on my iPAQ?"; [0030] and [0032]).

7. **In considering claim 2**, Aksu teaches searches a database (8) of previously generated answers for answers that match the question (i.e., database (8) store all of the previously answers; [0031]).

Aksu teaches automatically generates a list of potential answers to the question from the database (i.e., the PPA server 6 performs keyword matching using the expert advisor profile 10 in the PPA database 8 to determine 44 the experts 4 who might be knowledgeable in the field posed by the question. Based on a matching criteria, such as, preferably, the percentage of the keywords matched, the PPA server 6 prepares a list of likely experts 4 who might be willing to answer the question; [0034]).

Aksu teaches automatically sends the unanswered question, together with the list of possible answers, out for review by at least one of the human researchers, who then selects one of the answers in the list or uses the list of possible answers together with information from the on-line information resources to compose an answer (i.e., the PPA server 6 strips information that would identify the customer 2 to the expert 4 from the SMS message (e.g., name and phone number) and, depending upon the capabilities of the recipient's phone, conventionally adds an "accept" button to the message. Then, the PPA server 6 forwards 46 the question to the experts 4 determined during keyword matching, using SMS messaging, exactly as the customer 2 phrased the question. The experts 4 who read the question and decide to accept the request for advice select the "accept" button or the reply button of their phones. Selecting the "accept button" sends an SMS message back to the PPA server 6, informing the PPA server 6 of the expert's willingness to answer the question. If no experts 4 have responded 48 within a

predetermined amount of time, the PPA server 6 notifies 50 the customer 2 using, for example, SMS messaging or a voice telephone call, that no experts 4 have responded to the customer's question. If the PPA server 6 receives 52 more than one response from the experts 4, the PPA server 6 determines 54 which expert 4 has the highest number of keyword matches. The PPA server 6 obtains 56 this expert's charge rate from the expert advisor profile 10 of the PPA database 8; [0034-0036]).

8. **In considering claim 3**, Aksu teaches the researcher investigates and writes an answer using the on-line information resources if none of the answers in the automatically generated list of possible answers is suitable (i.e., the PPA server sends an SMS message to the customer, indicating that there is an expert or experts who want to answer the question and informing the customer of the charge rates. The customer selects an expert and replies to the message. The PPA server places a call to the expert and to the customer and then bridges the two parties. Thus, the present invention provides the ability for a customer to receive help from a self-registered expert in real-time (i.e., within a matter of minutes rather than hours or days), reducing the work of the customer by automatically providing the best match of experts; [0020]).

9. **In considering claim 4**, Aksu teaches in which the first computer automatically determines the correct answer and automatically sends the answer as a message to the mobile telephone (i.e., the database determine the correct answer and sent as a message to the customer mobile phone [0036]).

10. **In considering claim 5**, Aksu teaches the question is sent from a mobile telephone (2) by the user calling a premium voice service and having the question recorded and then sent to the first computer (a customer or expert may place a telephone call to the service provider and register by speaking to a representative or responding to an automated attendant; [0029]).

11. **In considering claim 6**, Aksu teaches the question is first translated into text by the researcher before being submitted to the first computer for processing (i.e., the PPA server 6 performs 42 conventional text indexing on the received SMS message to find the keywords to query the PPA database 8; [0033]).

12. **In considering claim 7**, Aksu teaches in which the question includes an image and the image is then understood, matched, and translated (i.e., text indexing (image) on the received SMS message to find the keywords to query the PPA database 8. For the sample question above, the keywords might be "iPAQ", "install," and "MS-Word." Examples of text-indexing products that can be used for this operation include Time Matters.RTM; [0033]).

13. **In considering claim 8**, Aksu teaches a web based interface is used by the or each researcher and that interface displays the question and the list of possible

answers selected by the first computer (i.e., as shown in FIG. 1 the Expert using mobile phone which have an interface displays).

14. **In considering claim 9**, Aksu teaches in which the web based interface also displays a countdown timer (if no experts 4 have responded 48 within a predetermined amount of time, the PPA server 6 notifies 50 the customer 2 using, for example, SMS messaging or a voice telephone call, that no experts 4 have responded to the customer's question; [0035]).

15. **In considering claim 10**, Aksu teaches in which the researcher summarizes the answer succinctly to fit into a maximum of 160 characters (i.e., expert have to answer within the maximum of character; [0046]).

16. **In considering claim 11**, Aksu teaches in which each answer is stored in the database of previously generated answers at the first computer (i.e., FIG. 2 show database 8 stored previously generate answers; [0032]).

17. **In considering claim 12**, Aksu teaches in which a two tier system of researchers is used, with frontline researchers attempting to answer all questions initially and passing hard questions to senior researchers (i.e., FIG. 1 shown plurality of Experts and the hard questions is forward to senior Experts).

18. In considering claim 13, Aksu teaches in which frontline researchers have a maximum predefined time to answer each question and can reject the question earlier if they know they cannot answer it (i.e., if no experts 4 have responded 48 within a predetermined amount of time, the PPA server 6 notifies 50 the customer 2 using, for example, SMS messaging or a voice telephone call, that no experts 4 have responded to the customer's question; [0035]).

19. In considering claim 14, Aksu teaches if a frontline researcher fails to answer the question, it goes to another frontline researcher and, after a predefined number of unsuccessful attempts by frontline researchers to answer the question, the question goes on a "Hard Question" list which senior researchers work from (i.e., FIG. 1 shown plurality of Experts and the hard questions is forward to senior Experts).

20. In considering claim 17, Aksu teaches question rate, rate of answering, time taken to answer by each researcher, hours logged by each researcher (i.e., the experts 4 may rate themselves by, for example, providing a number from 1 to 10 (i.e., from very experienced to less experience). Alternatively, the customers 2 may rate the experts 4 by providing feedback to the PPA server 6, or through third-party certification; [0031]).

21. In considering claim 18, Aksu teaches the researcher is automatically provided with a list of recent (or all) previous questions and associated answers sent from a given user when answering a new question from that user (i.e., the PPA server 6 may send a

list of all or a predetermined number of responding experts 4 to the customer 2 and allow the customer 2 to select an expert 4. The list may be determined, for example, according to the number of keyword matches or the competency ratings provided by the experts 4 during registration [0037]).

22. **In considering claim 19**, Aksu teaches the researcher is automatically provided with an indication of the current location of the user (i.e., the customer 2 uses a wireless phone and the cellular/PCS network to register with the PPA server 6. Data flows between the customer MS, the customer's base station (BS), and MSC-1, using a home location register/visitors' location register (HLR/VLR) to identify/verify a subscriber; [0049]).

23. **In considering claim 20**, Aksu teaches the question and answer are sent using SMS (i.e., a short messaging service (SMS) message [0027]).

24. **In considering claim 21**, Aksu teaches the question and answer are sent using EMS or MMS (i.e., the mobile phone as shown in FIG. 1 can sent and receive EMS or MMS).

25. **In considering claim 23**, Aksu teaches the premium rate service is either mobile originating (MO) or mobile terminating (MT) (i.e., deliver (mobile-terminated only), submit (mobile-originated only), cancellation (mobile-originated only), delivery

acknowledgement (mobile-terminated only), and user acknowledgement (either direction); [0043]).

26. **In considering claim 24**, Aksu teaches a different question is sent as a premium rate voice message (i.e., a voice engine 22 and a capability server 24 are provided in the preferred embodiment to handle voice messages and wireless phones that are not SMS enabled; [0028]).

27. **In considering claim 25**, Aksu teaches an answer message sent as the final step in the method of processing questions as defined in claim 1 (i.e., FIG. 4 shown the answer is being sent in bytes; [0046]).

28. **In considering claim 26**, Aksu teaches a mobile telephone (2) when displaying an answer (FIG. 4) message as defined in claim 24 (i.e., see FIG. 1 and FIG.4).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 15-16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US 2003/0144895 A1) in view of Varshney et al. (US 2004/0028021 A1).

31. **In considering claim 15**, Aksu teaches all researchers have access to an Instant Messaging system that allows them to chat to each other over the internet on they phone; [0027]).

However, Aksu does not explicitly disclose Instant Messaging system separate from they phone.

Meanwhile, Varshney teaches a system and method for the efficient transmission of information in a wireless telecommunication system (see Abstract). This is similar to Aksu invention because of wireless telecommunication (see FIG. 1). Furthermore, Varshney teaches instant message system that allows the users to chat with each other over the internet (i.e., not only is the number of ordinary voice calls increasing, but so is the number of other uses to which mobile stations can be put. Short message service (SMS) messaging and instant messaging are becoming more popular, faxes and emails can be sent through mobile stations, and World Wide Web pages can be downloaded; [0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Aksu and Varshney before him/her, to modify the method of Aksu with the teaching of Varshney to have a instant message system. The motivation to combine is apparent in Aksu reference, because the experts

can communicate with each other using instant message to answer questions from the user (see Aksu [0002]). This is a tremendously advantageous to Aksu because the instant message system is the fastest and easiest way to communicate with each other (see Varshney, [0027]).

32. **In considering claim 16**, Aksu teaches all of the limitations of claim 2 above. However, Aksu does not explicitly disclose spell checking of answers; content level checking of answers.

Meanwhile, Varshney teaches instant message system that allows the users to chat with each other over the internet (i.e., not only is the number of ordinary voice calls increasing, but so is the number of other uses to which mobile stations can be put. Short message service (SMS) messaging and instant messaging are becoming more popular, faxes and emails can be sent through mobile stations, and World Wide Web pages can be downloaded. Furthermore, spell checking is built in with the instant message system [0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Aksu and Varshney before him/her, to modify the method of Aksu with the teaching of Varshney to have a instant message system. The motivation to combine is apparent in Aksu reference, because the experts can communicate with each other using instant message to answer questions from the user (see Aksu [0002]). This is a tremendously advantageous to Aksu because the

instant message system is the fastest and easiest way to communicate with each other (see Varshney, [0027]).

33. In considering claim 22, Aksu teaches all of the limitations of claim 1 above. However, Aksu does not explicitly disclose the question and answer are sent using GPRS, CDMA, or W-CDMA data connections.

Meanwhile, Varshney teaches question and answer are sent using GPRS, CDMA, or W-CDMA data connections (i.e., sending the question and answer using CDMA; [0024]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Aksu and Varshney before him/her, to modify the method of Aksu with the teaching of Varshney to include sending message using CDMA. The motivation to combine is apparent in Aksu reference, because the CDMA provide better capacity for voice and data communication (see Aksu [0045]). This is a tremendously advantageous to Aksu because the signals are spread in the time domain prior to transmission (see Varshney, [0024]).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truong Van Vo
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December 3, 2007

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